

MAINE'S COMPREHENSIVE PLAN REVIEW PROCESS

Benefits of a Comprehensive Plan

Land use planning and management allows a community to foster planned, orderly growth. A comprehensive plan, along with accompanying land use ordinances and non-regulatory strategies identifies how and where the community wants growth to occur—in areas already serviced by public water and sewer for example—forestalling the need of having to build redundant, expensive infrastructure. Conversely, a community can also designate areas where it does not want significant growth to occur, on productive croplands, for example, or in recreation areas.

Change happens. It can't be stopped. The intent of community planning isn't to try and stop change, but to understand the forces of change and to work with them to achieve a better future.

Comprehensive Planning is Voluntary

In Maine, land use is regulated at the local level. It is not mandatory. Nevertheless, if a community chooses to regulate land use, the Legislature has said it must do so in a way that meets state goals—goals like preventing development sprawl, promoting affordable housing, and safeguarding prime farmland soils, forests, and access to the coast for marine uses. State law directs the State Planning Office to review plans and ordinances and to determine whether they are consistent with these goals. It also provides for SPO to offer financial and technical assistance to encourage towns to manage land use.

Moreover, the Legislature recognized how unplanned growth impacts the state budget, costing more for new schools, roads, and other redundant infrastructure and directed state agencies that provide local grants and loans to give preferences to municipalities that had consistent comprehensive plans.

Review Process and Time Line

From the time a municipality decides to develop a comprehensive plan to when it receives a consistency finding, many municipalities will find that more than two years will have elapsed. Why does it take so long? Often, comprehensive plans are developed by volunteer committees meeting after hours. In addition, processes to seek grant funds, hire a consultant, develop inventories of existing facilities and amenities, and hold public meetings take time. It is an iterative process where a community may work with various state agencies to get feedback and make revision. The entire process culminates in a vote at town meeting, which often is only held once a year. If the town meeting rejects the plan, modifications must be made and another vote scheduled. Finally, if the municipality requests it, the state's statutory review kicks in, which can occur either before or after the town has adopted the plan. Once a plan is submitted for state review, the process follows a rigid time line:

- Within 45 days** - Receive written comments from regional councils and other state agencies.
- Within 60 days** - Review the plan for consistency with the procedures, goals, and review criteria established in law. Issue a finding of consistency, or send comments to the municipality specifically describing how the plan does not meet the established requirements and the recommended measures for remedying the deficiencies.
- Within 24 mo.** - A municipality may correct any identified deficiencies and submit it for an expedited review. After 24 months, however, the plan must be resubmitted in its entirety for a full state review.

Evaluating the Growth Management Program

Since the Growth Management Act was enacted 20 years ago, Maine's landscape has changed considerably. Periodically, it becomes necessary to assess where we are and to make mid-course corrections. The State Planning Office evaluates the effectiveness of its efforts under the Act at least every four years. Our last evaluation was presented to the Legislature in 2003, and we have implemented many of the recommendations. But there is still work to be done. We are presently looking at ways to make the land use program more efficient and user friendly and to ensure that the Act's legislative goals are achieved.

Preferences

The Legislature directs state agencies to establish preferences in grant and investment programs to assist municipalities with preventing sprawl. More than 20 state programs have been modified to better support municipal service centers and growth areas, such as:

- Land and Water Conservation Fund
- Urban and Community Forestry grants
- Non-point Source Pollution 319 Watershed grants
- “Patient” Sewer Extension Revolving Loan Fund
- State Revolving Loan Fund for wastewater treatment plants and sewage improvements
- Combined Sewer Overflow Fund
- Community Development Block Grants
- Source Water Protection planning grants
- Revolving Loan Funds for community water systems
- Community Planning grants
- Land for Maine’s Future funding
- Surface Water Quality Protection
- Small Harbor Improvement grants
- Boat Infrastructure grants
- Scenic Byways and Transportation Enhancement programs
- Fund for the Efficient Delivery of Local and Regional Services

Role of Community Preservation Advisory Committee

CPAC advises the Governor, Legislature and other state agencies on community preservation and land use issues, as they cross multiple boundaries (across state agency lines, across municipal lines, across public-private). The committee meets at least four times per year. It advises SPO on the implementation of the Growth Management Act and offers legislation for enhancing the Act. The committee is chaired by Senator Bromley and Rep. Koffman.

Status of Planning in Maine Communities

298 municipalities, representing more than 80% of the state’s population, have adopted comprehensive plans. Of these, the State Planning Office found 223 consistent with the Growth Management Act. Examples of municipalities with adopted consistent plans are:

Androscoggin	Auburn, Lewiston, Minot
Aroostook	Caribou, Eagle Lake, Frenchville
Cumberland	Casco, Portland, Westbrook
Franklin	Avon, Jay, Wilton
Hancock	Bar Harbor, Orland, Tremont
Kennebec	Belgrade, Hallowell, Waterville
Knox	Camden, Rockland, Rockport
Lincoln	Boothbay Harbor, Waldoboro
Oxford	Gilead, Mexico, Rumford
Penobscot	Bangor, Brewer, Milford
Piscataquis	Greenville, Monson
Sagadahoc	Bath, Bowdoinham, Brunswick
Somerset	Bingham, Caratunk, Madison
Waldo	Belfast, Jackson, Searsport
Washington	Cherryfield, Columbia, Steuben
York	Kittery, Saco, Sanford

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Resources for Municipalities

- **Grants:** SPO provides on average \$150,000 per year to 10-14 municipalities to 1) develop comprehensive plans, 2) develop ordinances, 3) update comprehensive plans; and 4) support regional initiatives.
- **Regional Planning:** SPO funds 11 regional councils a combined \$325,000 per year to assist towns with comprehensive planning and with other land use planning issues, including fostering regional efforts
- **Technical Assistance:** SPO provides technical assistance and educational materials to towns, such as: a “how-to” manual for comprehensive planning, model ordinances, a community vision handbook, guide to livable design, impact fee manual, and site plan review handbook.
- **Data:** Working with other agencies, SPO compiles and sends resource packages to towns consisting of state data, such as traffic and census data or accident location maps and historic sites; helping to save time and money. 152 communities requested resource packages in 2004.

Changes Implemented by SPO

SPO has implemented the following changes to improve the timeliness of comprehensive plan reviews:

- We now engage state agencies and regional councils earlier in the process.
- We created a database to track dates of when and what pieces of plans are submitted and when SPO responds. We faithfully log plans and responses in and out.
- We have shifted resources to work with towns, before they submit their plan, rather than spending time after the plan is submitted making changes.
- We have created a checklist review process that towns can self-administer and know what is missing before a plan is submitted.
- We have made staff changes.